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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Utility Patent Application: Mr. Brian PUCKETT Our Docket no. 191.01.02-P-USA

Application Number: 10/652,818 Art Unit 2875 Filed: August 29, 2003

In Re: Office Action from Examiner Laura Tso dated October 01, 2004

Transmitted by Rightfax to (703) 872-9306

REPLY AND AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In compliance with the office action of October 01, 2004, please amend the above-identified application as indicated in Section 1 below, and consider the reply and arguments in Sections 2 and 3 below. A Remarks section is included at the end of this communication. Furthermore, a substitute specification is included as an attachment to this communication.

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PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/652,818	
		Filing Date	08/29/2003	
		First Named Inventor	PUCKETT, Brian	
		Art Unit	Flashlight System	
		Examiner Name	TSO, Laura K.	
Total Number of Pages in This Submission		30	Attorney Docket Number	191.01.02-P-USA

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Remarks Amendment & Reply - 14 pages, incl. Appendix Substitute specification - 12 pages This form, Form SB/17, form PTO-2038, & form PTOL-413A - 4 pages
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Michael A. Shippey	
Signature	<i>Michael A. Shippey</i>	
Date	01/31/2005	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 01/31/2005			
Typed or printed	Michael A. Shippey		
Signature	<i>Michael A. Shippey</i>		Date 01/31/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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Approved for use through 07/31/2006. OMB 0651-0032
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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **60**

Complete If Known

Application Number	10/652,818
Filing Date	08/29/2003
First Named Inventor	PUCKETT, Brian
Examiner Name	TSO, Laura K.
Art Unit	2875
Attorney Docket No.	191.01.02-P-USA

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number:

Deposit Account Name:

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid		
1051 790	2001 395	Utility filing fee	<input type="text"/>		
1002 350	2002 175	Design filing fee	<input type="text"/>		
1003 550	2003 275	Plant filing fee	<input type="text"/>		
1004 790	2004 395	Reissue filing fee	<input type="text"/>		
1005 160	2005 80	Provisional filing fee	<input type="text"/>		
SUBTOTAL (1) (\$)			60		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Fee from below					
Total Claims	<input type="text"/>	-20** = <input type="text"/> X <input type="text"/>	<input type="text"/>		
Independent Claims	<input type="text"/>	- 3** = <input type="text"/> X <input type="text"/>	<input type="text"/>		
Multiple Dependent	<input type="text"/>		<input type="text"/>		
Large Entity		Small Entity			
Fee Code (\$)		Fee Code (\$)			
1202 18		2202 9			
1201 68		2201 44			
1203 300		2203 150			
1204 68		2204 44			
1205 18		2205 9			
** Reissue claims in excess of 20 and over original patent		** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)					
** or number previously paid, if greater; For Reissues, see above					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$) 60					

(Complete if applicable)

Name (Print/Type)	Michael A. Shippey	Registration No. (Attorney/Agent)	45,588	Telephone	714-693-9110
Signature	<i>Michael A. Shippey</i>			Date	01/31/2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PTOL-413A (05-03)
Approved for use through xx/xx/xxxx. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10,652,818 First Named Applicant: PUCKETT, Brian
Examiner: TSO, Laura K. Art Unit: 2875 Status of Application: non-final OA

Tentative Participants:

(1) Examiner TSO (2) Michael Shippey, agent for Applicant
(3) _____ (4) _____

Proposed Date of Interview: 02/28/2005 Proposed Time: 1 PM EST (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video Conference

Exhibit To Be Shown or Demonstrated: YES NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>rejection</u>	<u>1,3-5,7-9,13</u>	<u>US 5,642,234</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>rejection</u>	<u>1,3,4,8,11-13</u>	<u>US</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continuation Sheet Attached

Brief Description of Arguments to be Presented:

Applicant will present arguments to advocate distinctness of current invention from prior art and novelty of combination presented in current invention.

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Michael A. Shippey

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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